



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# YALE LAW JOURNAL

---

Published monthly during the Academic Year by the Yale Law Journal Co., Inc.  
Edited by Students and members of the Faculty of the Yale School of Law.

---

SUBSCRIPTION PRICE, \$4.50 A YEAR

SINGLE COPIES, 70 CENTS

---

## EDITORIAL BOARD

SHERMAN BALDWIN  
*Editor-in-Chief*

HORACE G. HITCHCOCK  
*Business Manager*

GANSON G. DEFEW  
*Case and Comment Editor*

ASHBEL G. GULLIVER  
*Secretary*

W. DOUGLAS ARANT

ALBERT M. HERRMANN

ALFRED P. RAMSEY

ANTHONY F. ARPAIA

HAROLD H. KAUFMAN

EMANUEL SGUTT

JASPER A. ATKINS

THOMAS E. LIPSCOMB

HARRY SUSMAN

A. DUNHAM BARNEY

EDWARD A. MAG

BRUCE R. TUTTLE

GEORGE BLACK, JR.

JOSEPH MARKLE

WILLIAM WALLER

JULIEN T. DAVIES

JAY T. MCCAMIC

CHARLES D. WILLIAMS

FRANK W. DUNN

MILTON NAHUM

JOHN F. WILLIAMS

HAMILTON HADLEY

CHARLES D. PRUTZMAN

H. FRANCES WILLIAMSON

JAMES S. HEMINGWAY, JR.

---

Canadian subscription price is \$5.00 a year; foreign, \$5.25 a year.

If a subscriber wishes his copy of the JOURNAL discontinued at the expiration of his subscription, notice to that effect should be sent; otherwise, it is assumed that a continuation of the subscription is desired.

---

---

## EDWIN BAKER GAGER

Edwin Baker Gager graduated from Yale College in 1877. He was admitted to the bar in 1881 and became a member of the firm of Wooster & Torrance in Derby. On the appointment of Judge Torrance to the Superior Court the name of the firm was changed to Wooster, Williams & Gager and on the death of the senior partner to Williams & Gager. Judge Gager was appointed to the Superior Court in 1901, and after seventeen years of service as a trial judge he became in 1918 an associate justice of the Supreme Court of Errors. From 1892 to 1903 he was an instructor in law and jurisprudence in the Yale School of Law, and in 1903 was appointed Professor of General Jurisprudence. As a lawyer he soon gained the confidence of the large business interests located in the Naugatuck Valley, and in the later years of his practice his counsel and advocacy were claimed chiefly by street railway, gas, and electric companies.

He brought to the office of trial judge the poise of a man of affairs, the experience of an extensive practice, the learning of a widely read

lawyer and an unfailing patience, courtesy, and dignity. These qualities with his accurate sense of proportion, his quick appreciation of the decisive points of the cause, and above all his kindly and forceful personality endeared him to the profession as a judge and as a man. In charging the jury he possessed to an uncommon degree the art of confining them to the underlying issues of fact. His judicial opinions were notable for their exhaustiveness and finality. His teaching was accurate in principle and practical in detail. One of his most distinctive qualities was a passion for going to the root of things. It was this, no doubt, which first led him to the study of jurisprudence though immersed in the practical applications of the law; and it gave him the power of seeing things as they were, with the clear vision of intellectual honesty undimmed by indolence, sympathy, or opportunism. He had a singular directness and vigor of statement.

The combination of intellectual and personal qualities I have attempted to outline was crowned by a simplicity of manner and a personal charm enhanced by the background of his long and distinguished public service.

JOHN K. BEACH

Connecticut Supreme Court of Errors

---

#### REGULATION OF INTRASTATE COMMERCE UNDER THE COMMERCE CLAUSE

The two recent decisions of the United States Supreme Court, *Railroad Commission of Wisconsin v. C. B. & Q. Ry.* (1922) 42 Sup. Ct. 232, and *State of New York v. United States* (1922) 42 Sup. Ct. 239, represent what is in many ways the most significant development in that phase of our law having to do with the relation between the power of the Federal Government and the power of the states to regulate the instrumentalities of commerce since *Gibbons v. Ogden*.<sup>1</sup> The Supreme Court has construed the Transportation Act of 1920 as conferring upon the Interstate Commerce Commission authority to prescribe a general level of railroad rates for traffic entirely within a state as a part of its duty of preventing an undue burden being placed upon interstate commerce and has upheld the statute, as so construed, as within the power of Congress under the commerce clause.

The fundamental principles which are involved have long been free from doubt. Thus by *Gibbons v. Ogden* it was settled that the power of Congress to regulate commerce among the several states is "complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the constitution."<sup>2</sup> The Supreme Court frequently has declared that on subjects which require uniformity of regulation throughout the country the power of Congress

---

<sup>1</sup> (1824, U. S.) 9 Wheat. 1.

<sup>2</sup> *Ibid.* at p. 196.